

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INTELLECTUAL VENTURES II LLC,

Plaintiff,

v.

JP MORGAN CHASE & CO., JPMORGAN
CHASE BANK, NATIONAL ASSOCIATION,
CHASE BANK USA, NATIONAL
ASSOCIATION, CHASE PAYMENTECH
SOLUTIONS LLC, and PAYMENTECH LLC,

Defendants.
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ORDER REGULATING
PENDING DISCOVERY
MOTIONS

13-cv-3777 (AKH)

INTELLECTUAL VENTURES I LLC and
INTELLECTUAL VENTURES II LLC,

Plaintiffs,

v.

CITIGROUP, INC., CITICORP., and CITIBANK,
N.A.,

Defendants.
----- X

14-cv-4638 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

The parties, each having moved to compel discovery responses by the other, and each having moved to seal certain exhibits and portions of memoranda, it is ordered:

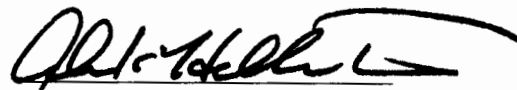
1. The issues shall be heard on November 4, 2014, at 10:30 a.m., Courtroom 14D, 500 Pearl Street;

2. The sequence of the argument shall be as follows:
 - a. Motions to seal, by plaintiff and then by defendants (including motions to seal papers relating to motions for summary judgment);
 - b. Motions to compel discovery responses, and for protective orders, except for issues relating to privilege, by defendant and then by plaintiff;
 - c. Motions to compel relating to privilege.
3. Prior to the argument, the senior counsel of each side shall, personally, meet with the other for at least two hours to discuss the discovery and privilege issues, with the view to maximize agreements regarding such issues. The meeting shall be described to me at the outset of argument.
4. With regard to the issue of privilege, a protocol and methodology of sampling shall be devised agreeing, for example,
 - a. That the proponent of privilege bring to the argument all documents identified on the privilege log, along with a representation describing:
 - i) That a full and complete search was made, and that, after review and on the basis of such search, all documents as to which privilege is claimed are identified on the log;
 - ii) The name of the attorney in charge of the search and log, describing the attorney's responsibility and lawyers who conducted the search, and the name of the attorney who conducted the review and decided the questions of privilege;
 - iii) The criteria determining the decision to claim privilege.

- b. The number of documents that shall be sampled for my review, with the party seeking disclosure to determine, at the argument, the specific documents to be reviewed, one after the other.
 - c. Sampling and rulings on privilege shall continue until the Court's rulings are sufficiently clear to enable the parties to apply the rulings to all documents claimed to be privileged.
5. At the hearing, the Court and the parties will establish a briefing schedule on all other pending motions, including Citigroup's motion for a stay, review the status of the case, and identify the proceedings that lay ahead.

SO ORDERED.

Dated: New York, New York
October 23, 2014

A handwritten signature in black ink, appearing to read 'Alvin K. Hellerstein', with a long horizontal flourish extending to the right.

ALVIN K. HELLERSTEIN
United States District Judge